IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND SIX

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR
AND
THE HON'BLE MR JUSTICE D.APPA RAO

WRIT PETITION No.20414 OF 2006

Between:

Yousuf S.K

..... PETITIONER

AND

The Dy. Transport Commissioner and
Secretary, Regional Transport Authority,
Vijayawada and another

....RESPONDENTS

THE HON'BLE MR JUSTICE
J.CHELAMESWAR
AND
THE HON'BLE MR JUSTICE
D.APPA RAO

WRIT PETITION No.20414 OF 2006

O R D E R
(Per Sri Justice J.Chelameswar)

This writ petition is filed with a prayer as follows:

> **"... Hon'ble Court may be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the seizure of the petitioner's vehicle bearing No.AP 26W 1264 seized under vehicle check report No.318939, dated 8.6.2006 by the 2nd respondent as illegal, arbitrary, unjust and contrary to law and consequently direct the respondents to release the vehicle of the petitioner forthwith and pass ..."**

The petitioner is the owner of a contract carriage (Maxi Cab) bearing No. AP 26W 1264. On 8.6.2006, the petitioner's vehicle was checked at Ramapudi, near Gudiwada, by the 2nd respondent herein and found that the vehicle was plying without proof of payment of tax for the quarter ending 30.6.2006 and also the driver of the vehicle did not carry the valid driving licence. The vehicle was therefore seized.

A show cause notice was issued to the petitioner on 20.9.2006 calling for an explanation as to why appropriate proceedings should not be initiated against him, the details of which are not necessary for the present purpose.

Heard the learned counsel for the petitioner and the learned Government Pleader.

In the circumstances, we are of the opinion that the writ petition can be disposed of at the stage of admission itself, directing the

respondents to release the above-mentioned vehicle of the petitioner, on condition that the petitioner pays the entire amount of tax due, to be determined by the 1st respondent, without prejudice to the authority of the respondents to take any appropriate action in accordance with law, for the violation indicated in the show cause notice referred to above.

JUSTICE J.CHELAMESWAR

JUSTICE D.APPA RAO

28TH SEPTEMBER, 2006

Note: CC in two days.
Bo cvm

THE HON'BLE MR JUSTICE
J.CHELAMESWAR
AND
THE HON'BLE MR JUSTICE
D.APPA RAO

WRIT PETITION No.20414 OF 2006
(Per Sri Justice J.Chelameswar)

28TH SEPTEMBER, 2006